

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America
v.
TOM JEFFREY MCKISSICK, V

Case No. SA-22-MJ- 346Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2022 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. §§ 2252A(a)(2),
2252A(a)(5)(B)

Offense Description

Distribution, Receipt, and Possession of Child Pornography

Maximum Penalties:

2252A(a)(2): 5-20 years imprisonment, \$250,000 fine, 5 years min. to lifetime SR, \$100
SA CVRA, \$5,000 TVPA, \$35,000 SA AVAA, Sex Offender Registry, Restitution
TBD-\$3,000 min. per victim identified

2252A(a)(5)(B): 20 years imprisonment, \$250,000 fine, 5 years min. to lifetime SR, \$100
SA CVRA, \$5,000 TVPA, \$17,000 SA AVAA, Sex Offender Registry, Restitution
TBD-\$3,000 min. per victim identified

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Digitally signed by NARCISO RETANA
Date: 2022.03.10 16:28:45 -06'00'

Complainant's signature

Narciso Retana, HSI Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date:

3/11/2022City and state: San Antonio, Texas*Judge's signature*

Henry J. Bemporad, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Narciso Retana, a Special Agent with Homeland Security Investigations (“HSI”), United States Department of Homeland Security (“DHS”), Immigrations and Customs Enforcement (“ICE”), being first duly sworn, depose and state under oath as follows:

1. I am a Special Agent (SA) employed by the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), and I have been so employed since April 2016. I have approximately 25 years of law enforcement experience. I am assigned to the HSI San Antonio Child Exploitation Group. As part of my duties, I investigate violations of federal law, including the online exploitation of children, particularly in relation to violations of 18 U.S.C. §§ 2251, 2252 and 2252A which criminalize, among other things, the production, advertisement, possession, receipt, distribution, and transportation of child pornography. I have received training in the area of child exploitation, including, child pornography, as such, I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256), in many forms of media, including computer media.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that **TOM JEFFREY MCKISSICK, V** has engaged in the Distribution of Child Pornography, Receipt of Child Pornography and Possession of Child Pornography, in violation of Title 18 United States Code, Sections 2252A(a)(2) and 2252A(a)(5)(B).

PROBABLE CAUSE

4. On February 5, 2022, while conducting an undercover investigation over the Website A¹ platform, a Queensland (Australia) Police Officer observed a profile page indicative of someone with a sexual interest in children. The Website A profile page for user **ECOPUNK4LIFE** included the following information.

Joined on: 02/02/2022

User info: Looking to find others with similar interest. Would love to meet up if in Texas.

Tagged under: Boy, boys

Total albums shown: One (1)

Album Name: Nephew

Album Owner says: Message me on Telegram @ **ECOPUNK4** to chat and trade

5. Website A provided the **IP address** associated with the device utilized by user **ECOPUNK4LIFE** to connect to the internet during February 2022. According to Charter

¹ The actual name of “Website A” is known to Affiant. To protect the confidentiality and integrity of the ongoing criminal investigation, the specific name has been replaced with the generic term “Website A.”

Communications, the **IP address** associated with the communications of Website A user **ECOPUNK4LIFE** occurring during February 2022, resolve to

Subscriber: Tom MCKISSICK
Address: **** Research Dr., Apartment ****, San Antonio, Texas 78240
Username: **MCKISSICK@*****.COM
Phone Number: ***-***-9106
Lease Log: 04/30/2018 to 03/08/2022

6. Website A also provided the email address associated with user **ECOPUNK4LIFE**, specifically, ***tommckissickv@*****.com.

7. Beginning on February 5, 2022, and continuing through February 14, 2022, the undercover officer and Website A user, **ECOPUNK4LIFE**, communicated via Telegram, a social media application, using **ECOPUNK4LIFE**'s Telegram username, **ECOPUNK4**, as described in paragraph 4.

a. Beginning on February 6, 2022, and continuing through February 9, 2022, Telegram user **ECOPUNK4** distributed **eighteen images containing child pornography** and **four video files containing child pornography** to the undercover police officer in Queensland, Australia.

i. The eighteen image files are a series of images of a nude prepubescent boy in multiple poses -- standing, bent over, and on his back -- exposing his genitals and anus.

ii. One of the video files, lasting 4 ½ minutes, depicts an adult male using his fingers and his penis to penetrate a prepubescent boy's anus.

b. On February 6, 2022, during the conversation on Telegram, **ECOPUNK4** sent the undercover officer a fully clothed image of himself. The person in the image sent to the undercover officer is the same person associated with the Texas Driver's license issued to **TOM JEFFREY MCKISSICK, V**.

c. During the Telegram communications **ECOPUNK4** admitted to sexually assaulting his nephews when they were between the ages of two and three years old. **ECOPUNK4** stated the older of his two nephews, his favorite, is now 6 to 7 years old. **ECOPUNK4** described his ongoing sexual contact with this favorite nephew.

8. On March 10, 2022, federal agents with DHS-HSI executed a federal search warrant at the residence of **Tom MCKISSICK, V**, **** Research Dr., Apt. ****, San Antonio, Texas, wherein the following digital devices were seized.

- a. Samsung SM-G998U Galaxy S21 5G cellular telephone with IMEI 356544760505674,
- b. HP Pavilion Laptop Serial number 8CG8113HNM,

- c. Lenovo Laptop Serial number YB08346004,
- d. Acer Laptop Serial number NXM2HAA0093041A7F61601
- e. Ipad Serial number DMRW5VZ7JF8J, and
- f. SD Card 2.0 GB.

9. During a preliminary review of the **Samsung MS-G998U S21 5G cellular telephone**, your Affiant observed at least eight chat communications between **Tom MCKISSICK, V** and unidentified Telegram users, which were saved within the Telegram application on the device. These communications contain a combination of text chat communications, as well as **images and videos depicting child pornography**. By way of example,

- a. A conversation with Telegram user “Lucifer” dated February 2, 2022:

Tom MCKISSICK, V: “I want to rape a baby with you. Which end would you prefer?”
Tom MCKISSICK, V: sent an image of himself fully clothed lying in bed with an unidentified fully clothed infant.

Lucifer: “Ass rape”

Tom MCKISSICK, V: “Hell yeah, I’d hold a baby down for you to force your cock into. Make sure he screams.”

- b. A twenty second video distributed by **Tom MCKISSICK, V** to Telegram user “Lucifer” on February 3, 2022, depicts an infant wearing only a diaper, laying in a baby carrier as an adult male’s erect penis is inserted in the infant’s mouth.
- c. A twenty-five second video received by **Tom MCKISSICK, V** from Telegram user “Fell” on February 6, 2022, depicts a prepubescent boy laying on his back, wearing only a blue/white striped long sleeve shirt and white socks, as an erect adult male’s penis penetrates the anus of the child.
- d. On February 5, 2022, **Tom MCKISSICK, V** distributed the same **eighteen images containing child pornography** described in paragraph 7a to Telegram user “JT.”

10. Based on the facts as stated in this document, there is probable cause to believe that **TOM JEFFREY MCKISSICK, V** has committed the federal offenses of Distribution of Child Pornography, Receipt of Child Pornography, and Possession of Child Pornography, in violation of Title 18 United States Code, Sections 2252A(a)(2) and 2252A(a)(5)(B).

11. I respectfully request that the Court issue a Criminal Complaint for **TOM JEFFREY MCKISSICK, V.**

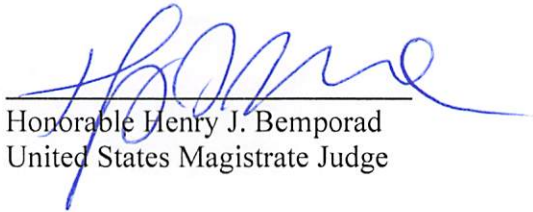
Respectfully submitted,



Digitally signed by NARCISO
RETANA
Date: 2022.03.10 16:33:15 -06'00'

Narciso Retana
Special Agent
Homeland Security Investigations

Subscribed and sworn telephonically on this 11th day of March 2022.


Honorable Henry J. Bemporad
United States Magistrate Judge